

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DR. RABBI K.A. ISRAEL,)	
)	
Plaintiff,)	
)	
v.)	07 C 7084
)	
CIRCUIT COURT OF COOK COUNTY,)	Judge Norgle
ILLINOIS, et al.,)	
)	
Defendants.)	

MOTION TO LIFT STAY AND FILE AMENDED COMPLAINT

Plaintiff, Dr. Rabbi K.A. Israel, through his counsel Harry N. Arger of Dykema Gossett PLLC, and for his motion to lift the stay and for leave of court of thirty days to file an amended complaint, states:

1. On December 17, 2007, plaintiff filed his *pro se* Complaint seeking damages, injunctive relief, declaratory judgment, and other relief for constitutional violations arising from harms inflicted on his sister, Ms. Beatrice Demetrice Garth, while a resident at Burnham Healthcare in Burnham, Illinois. (Dkt. 1, 18.)

2. On February 1, 2008, this Court appointed undersigned counsel, Harry N. Arger, to represent plaintiff. (Dkt. 30.)

3. On February 21, 2008, Defendants Circuit Court of Cook County and Attorney General Lisa Madigan filed a motion to stay responsive pleadings until Mr. Arger had the opportunity to comply with his obligations under Local Rule 83.37. (Dkt. 35.) This Court granted Defendants' motion to stay on February 29, 2008. (Dkt. 42.)

4. Since Mr. Arger was appointed as counsel for plaintiff, he has been consulting with plaintiff, in compliance with Local Rule 83.37, and continues to gather information to

determine the legal sufficiency of plaintiff's claims. Plaintiff contends that the harms and neglect toward Ms. Garth by medical personnel are ongoing at another facility owned by EMI Enterprises. He has produced photographs to his counsel evidencing his sister's current condition, which would be available for the Court upon its request. Plaintiff and his counsel are seeking further information regarding the conditions of Ms. Garth's current residence at the Elmwood Care facility and the causes of her injuries.

5. Plaintiff has recently filed a complaint with the State of Illinois Division of Professional Regulation regarding his sister's medical personnel at the facility. Also, plaintiff is awaiting the mailed results of an Illinois Department of Public Health investigation that was conducted at Elmwood Care in early June 2008 upon plaintiff's complaint to the Department.

6. Because plaintiff's counsel has complied with Local Rule 83.37, plaintiff asks that this Court lift the stay and allow plaintiff leave to file an amended complaint within thirty days, or such time as needed to obtain the results of the Illinois Department of Public Health investigation of his sister's care facility.

WHEREFORE, Plaintiff Dr. Rabbi K.A. Israel respectfully requests that this Court lift the stay and grant him leave of court of thirty days to file an amended complaint.

Respectfully submitted,

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s/Harry N. Arger (ARDC No. 6198806)
One of the Attorneys for the Plaintiff Dr. Rabbi
K.A. Israel

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2008, I electronically filed the foregoing **Motion to Lift Stay and File Amended Complaint** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to:

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s/Harry N. Arger (ARDC No. 6198806)
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